

4

Notice of Allowability	Application No.	Applicant(s)	
	09/840,755	TOPOLKARAEV ET AL.	
	Examiner	Art Unit	
	Jennifer A. Boyd	1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/23/06.
2. ☒ The allowed claim(s) is/are 2 - 6, 8 - 14 and 17 - 21.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| <ol style="list-style-type: none">1. <input type="checkbox"/> Notice of References Cited (PTO-892)2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none">5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>2/24/06</u>.7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance9. <input type="checkbox"/> Other _____ |
|--|--|


NURCA TORRES
PRIMARY EXAMINER

DETAILED ACTION

Response to Amendment

1. The Examiner has vacated the Advisory Action mailed February 10, 2006 in light of the telephone interview held on February 15, 2006 with the Examiner's supervisor, Terrel Morris.
2. The Applicant's Amendments and Accompanying Remarks, filed January 23, 2006, have been entered and have been carefully considered. Claim 21 has been amended, claims 1, 7 and 15 – 16 are cancelled and claims 2 – 6, 9 – 14 and 17 – 21 are pending. In view of Applicant's amendments to claim 21 requiring that the water soluble polymer is polyethylene oxide, polyethylene glycol or a copolymer thereof, the Examiner has withdrawn the rejections as being unpatentable over Wu et al. (US 5,851,937) and as being unpatentable over Wu et al. (US 5,200,247) in view of Wu (US 5,851,937) as detailed in the Office Action dated October 19, 2005. It should be noted that Wu '937 and Wu '247 only teach the use of a vinyl alcohol polymer as the water soluble polymer rather than Applicant's claimed polyethylene oxide, polyethylene glycol or a copolymer thereof. Additionally, Applicant's arguments in regards to the rejection over Kroll et al. (US 6,432,547) in view of Noda et al. (US 6,808,795) and further in view of Wu (US 5,851,937) as detailed in the Office Action dated October 19, 2005 are found to be persuasive. All rejections are overcome.

Reasons for Allowance

3. Claims 2 – 6, 8 – 14 and 17 – 21 are allowed.
4. The following is an examiner's statement of reasons for allowance: All rejections have been overcome. Although Wu et al. (US 5,851,937) and Wu et al. (US 5,200,247) are considered

Art Unit: 1771

to be the most pertinent prior art, they fail to teach or suggest using polyethylene oxide, polyethylene glycol or a copolymer thereof as a water soluble polymer blended with a biodegradable polymer to form a biodegradable film. Wu et al. (US 5,851,937) and Wu et al. (US 5,200,247) only teach the use of a vinyl alcohol polymer as the water soluble polymer and provide no motivation to replace the vinyl alcohol polymer with a polyethylene oxide, polyethylene glycol or a copolymer thereof. Furthermore, in regards to the rejection over Kroll et al. (US 6,432,547) in view of Noda et al. (US 6,808,795) and further in view of Wu (US 5,851,937), the Noda reference is not prior art because the portions relied on to provide motivation for stretching the film of Kroll do not find support in its provisional priority document.

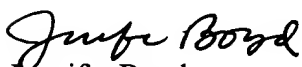
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A. Boyd whose telephone number is 571-272-1473. The examiner can normally be reached on Monday thru Friday (8:30am - 6:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1771

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jennifer Boyd
February 24, 2006


NURCA TORRES
PRIMARY EXAMINER